

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 CALVIN THOMAS ELAM,

Case No. 2:23-cv-02137-GMN-EJY

4 Petitioner,

ORDER

5 v.

6 WARDEN BEAN, et al.,

7 Respondents.

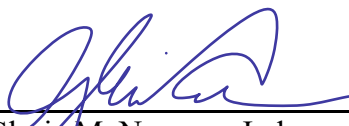
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9 Petitioner Calvin Thomas Elam, a *pro se* Nevada prisoner, has submitted a Petition for Writ
10 of Habeas Corpus under 28 U.S.C. § 2254, an incomplete motion to proceed *in forma pauperis*
11 (“IFP”), and a motion for appointment of counsel. (ECF Nos. 2, 2-1, 2-2.)

12 This court may authorize an indigent prisoner to begin a habeas action without paying the
13 \$5 fee if he or she submits an IFP application on the approved form and includes three specific
14 documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to
15 prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison
16 official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing.
17 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Elam filed an IFP application and his acknowledgment,
18 but he has not filed a completed financial certificate or a copy of his account statement for the
19 prior six months. (*See* ECF No. 2.) Elam acknowledges this deficiency, explaining that he has
20 requested the missing documents but that the prison takes “several months” to process such
21 requests. (ECF No. 2-3.) Elam has 60 days from the date of this order to file his financial certificate
22 and copy of his account statement, and he may move for an extension of time if needed.
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1 It is therefore ordered that the initial screening of Elam's Petition for Writ of Habeas
2 Corpus (ECF No. 2-1) under the Rules Governing Section 2254 Cases and consideration of his
3 motion for counsel (ECF No. 2-2) are deferred until such time as he has fully complied with this
4 order.

5 It is further ordered that within 60 days of the date of this order, Elam must file (1)
6 a financial certificate signed by Elam and an authorized prison official, and (2) a copy of his inmate
7 account statement for the six-month period prior to filing. Elam's failure to comply with this order
8 will result in the dismissal of this action without prejudice and without further advance notice.

9 Dated: December 29, 2023

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11 Gloria M. Navarro, Judge
12 United States District Court
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